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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CENTER FOR BIOLOGICAL DIVERSITY,

Plaintiff,

v.

**THE OFFICE OF MANAGEMENT AND
BUDGET,**

Defendant.

Civil Action No.: C-07-4997 MHP

**~~[PROPOSED]~~ STIPULATION RE
CASE MANAGEMENT
CONFERENCE AND FURTHER
BRIEFING SCHEDULE**

**Date: November 2, 2009
Time: 3:00 p.m.
Court: 15, 18th Floor**

1 Plaintiff, the Center for Biological Diversity (the "Center"), and defendant, the Office of
 2 Management and Budget ("OMB"), by and through their undersigned counsel, hereby submit the
 3 following Proposed Stipulation Re Case Management Conference and Further Briefing Schedule.

4 The parties have reached agreement concerning the additional documents OMB recently located
 5 that were responsive to the Center's FOIA request but that had not been submitted for *in camera*
 6 inspection to Magistrate Judge Zimmerman. OMB has released 16 of these documents, and the Center
 7 will not challenge OMB's assertion that the 21 remaining documents fall within this Court's summary
 8 judgment orders in this matter and need not be disclosed. Thus, the parties believe that a further status
 9 conference on November 2, 2009 is not necessary.

10 Further, neither party has challenged the Report and Recommendation issued by Magistrate
 11 Judge Zimmerman in this matter dated August 25, 2009 and amended September 9, 2009. Thus, the
 12 parties believe that this Court should now be able to issue an order concerning that Report and
 13 Recommendation.

14 Once this Court has entered its order, the parties wish to stipulate to a schedule that would allow
 15 them to negotiate the Center's request for fees and costs in this matter among themselves, and, failing
 16 that, to brief this issue to the Court. Subject to the Court's approval, the parties stipulate that they will
 17 submit this agreed-upon schedule within five (5) court days after this Court has entered its order
 18 concerning Magistrate Judge Zimmerman's Report and Recommendation.

19
 20 Dated: October 27, 2009

United States Attorney

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 22 By: _____ /s/ _____
 23 MICHAEL T. PYLE
 24 Assistant United States Attorney
 25 Attorney for Defendant OMB
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VERA PARDEE

By: _____/s/_____
Attorney for Plaintiff Center for Biological
Diversity

PURSUANT TO STIPULATION, IT IS SO ORDERED:

As stipulated by the parties, (1) the next Case Management Conference in this matter currently scheduled to take place on November 2, 2009 at 3:00 p.m. is taken off calendar; and (2) the parties shall submit for approval by the Court a proposed schedule to negotiate and, if necessary, brief the issues pertaining to the Center's request for fees and costs in this matter within five (5) court days after this Court has entered its order concerning Magistrate Judge Zimmerman's Report and Recommendation dated August 25, 2009 and amended September 9, 2009.

November 3
Dated: ~~October~~ _____, 2009

